

**IN THE HIGH COURT OF FIJI**

**AT SUVA**

**CRIMINAL JURISDICTION**

**Criminal Case No.301 of 2012**

**STATE**

**V**

**PELAME RAQIO**

Counsel: Ms V. Prasad for the State  
Ms. L. Raisua (L.A.C.) for the accused

Dates of trial: 28, 29, 30 July 2014

Date of Judgment: 30 July 2014

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**JUDGMENT**

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**PELAME RAQIO**, you have been charged with the following offence:

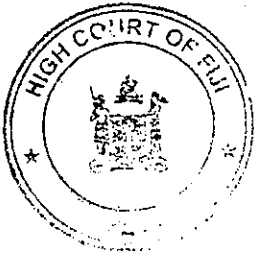
**FIRST COUNT*****Statement of Offence***

**RAPE**: Contrary to section 207(1) and (2) (a) of the Crime Decree No. 44 of 2009

***Particulars of Offence***

**PELAME RAQIO** on the 30<sup>th</sup> day of August, 2012 at Davuilevu Housing in the Eastern Division had carnal knowledge of **MERESEINI RALAWA** without her consent.

2. In unanimous opinion of three assessors you have been found not guilty of the offence. The evidence came from the complainant herself who gave evidence that was inconsistent with other statements she had made about the alleged offence.
3. The evidence given by the accused was directly in contradiction of the complainant's evidence and the sole issue of consent then became a question of credibility.
4. In such circumstances, the Court must give all due weight to the unanimous opinion of the assessors who are deemed to have common sense and be worldly wise.
5. I direct myself on my own summing up and concur with the opinion of the assessors that the accused is not guilty. He is acquitted and discharged.
6. That is the judgment of the Court.



A handwritten signature in black ink, appearing to read "P.K. Madigan". The signature is written in a cursive style with a large, looping initial "P".

**P.K. Madigan**

**Judge**

At Suva

30.07.2014